

State Water Resources Control Board
Division of Drinking Water

October 21, 2016
System No. 1500571

Danny Doustan
Nahatel, LLC
65 Dianas Trail
Roslyn, NY 11576

**RE: Non Compliance with the 2015 Consumer Confidence Report (CCR)
Lucky 18 on Rosamond, LLC**

Dear Mr. Doustan:

Attached you will find Citation No. 03-19-16C-046 that the State Water Resources Control Board, Division of Drinking Water (hereinafter State Board) is issuing to the Lucky 18 on Rosamond, LLC Water System (hereinafter Water System) to document the Water System's noncompliance with the Consumer Confidence Report (CCR) requirements, as specified in the California Health & Safety Code (CHSC) and Title 22, California Code of Regulations (details provided in Citation No. 03-19-16C-046).

Based on a review of the State Board's records, the Lucky 18 on Rosamond, LLC has failed to submit the 2015 CCR Certification to the State Board. By a letter dated September 29, 2016, the State Board previously notified the Lucky 18 on Rosamond, LLC about this noncompliance issue and requested submittal of the 2015 CCR Certification Form.

Please note that a written response to the Citation is required by October 31, 2016. In addition, the Citation includes several directives and deadlines. Failure to comply with the citation directives will result in additional enforcement action, including assessment of a civil penalty. If you have any questions concerning any directive of the Citation, please call Zechariah Maynard with the Tehachapi District Office of the State Board at (661) 335-0991.

Sincerely,

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosure: Citation No. 03-19-16C-046

CC: Kern County Dept. of Public Health, Environmental Health Services Division (w/o enclosure)
Daniel W. Sackett, SkOO'kum H2O Monitoring, Inc. (via email)

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**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER**

IN RE: **LUCKY 18 ON ROSAMOND, LLC WATER SYSTEM**
 Water System No. 1500571

TO: Danny Doustan
 Nahatel, LLC
 65 Dianas Trail
 Roslyn, NY 11576

BY CERTIFIED MAIL

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64483(c)
2015 CONSUMER CONFIDENCE REPORT
CITATION NO. 03-19-16C-046
Issued on October 21, 2016**

Section 116650 of the California Health and Safety Code (CHSC) authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA") or any regulation, standard, permit or order issued or adopted thereunder.

STATEMENT OF FACTS

Lucky 18 on Rosamond, LLC (hereinafter Water System) is classified as a community water system and serves a population of approximately 73 persons through 60 service connections. The Water System operates under the authority of Permit No. 03-12-95P-047, issued on 12/19/1995, by the California Department of Health Services. Effective July 1, 2014, regulatory jurisdiction of the Water System was transferred from the California Department of Public Health to the State Water Resources Control Board.

VIOLATION

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "State Board") and the Deputy Director for the Division (hereinafter "Deputy Director") hereby issues a citation to Lucky 18 on Rosamond, LLC Water System for failure to comply with Section 116470 of the CHSC, and Section 64483(c) of Title 22, California Code of Regulations. Specifically, the Water System failed to submit the CCR Certification form to the State Board by October 1, 2016.

Section 116470(a) Consumer Confidence Report

Section 116470(a), CHSC, specifies that as a condition of its operating permit, every public water system shall annually prepare a consumer confidence report and mail or deliver a copy of that report to each customer.

Section 64483(c) Consumer Confidence Report Delivery and Record Keeping

Specifies that no later than the date the water system is required to distribute the Consumer Confidence Report to its customers, each water system shall mail a copy of the report to the State Board, followed within three (3) months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data, previously submitted to the State Board.

As described in Section 64481, Title 22, California Code of Regulations, the CCR is to provide, as a minimum, source of water purveyed by the public water system, specific information on concentrations of microbiological contaminants, minerals, physical agents, inorganic chemicals, organic chemicals, radioactivity, sodium, hardness, disinfection by-products, detected in the water supply, origin of contaminants detected in the water; explanation of any MCL violation of the primary drinking water standard, enforcement actions, monitoring & reporting violations, statement of health concerns, terms of a

1 variance or exemption (if any granted to the water system), contact information of water
2 system designee for additional information concerning the report. Regulations requiring
3 community and nontransient-noncommunity water systems in California, to provide a CCR
4 to customers, were adopted and effective on May 26, 2001.

5 By a letter dated September 29, 2016, the State Board requested a copy of the 2015 CCR
6 Certification Form from the Lucky 18 on Rosamond, LLC. A review of the State Board's
7 records indicates that the State Board has not received a copy of the 2015 CCR
8 Certification Form. **Therefore, the State Board has determined that the Lucky 18 on**
9 **Rosamond, LLC Water System is in violation of the CCR requirement.** In addition, the
10 Lucky 18 on Rosamond, LLC is still required to provide a CCR to its customers and mail a
11 copy along with the CCR Certification Form to the State Board for the year 2016, which are
12 due no later than July 1, 2017 and July 31, 2017, as described under the Directives.

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14 The above violations are classified as non-continuing violations.

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16 **DIRECTIVES**

17 Lucky 18 on Rosamond, LLC Water System is hereby directed to take the following
18 actions:

- 19
- 20 1. Cease violating the reporting requirements of Section 116470 of the CHSC, and
21 Section 64483(c) of Title 22, California Code of Regulations.
 - 22 2. By **October 31, 2016**, Lucky 18 on Rosamond, LLC shall submit a written response
23 to the State Board acknowledging that it has received this citation and will comply
24 with all the directives listed herein. A copy of the 2015 CCR Certification Form
25 shall be included with the response **if** the Water System previously issued the 2015
26 CCR to its customers.
27

- 1 3. By November 14, 2016, Lucky 18 on Rosamond, LLC shall submit to the State
2 Board certification of distribution to customers of the 2015 CCR.
- 3 4. By July 1, 2017, Lucky 18 on Rosamond, LLC shall distribute a State Board
4 approved Consumer Confidence Report to each customer, reporting the water
5 quality for the year 2016. The following website will serve as a guide to complete
6 the 2016 CCR accurately.
7 http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/CCR.shtml
- 8 5. By July 31, 2017, Lucky 18 on Rosamond, LLC shall submit to the State Board
9 certification of distribution to customers of the 2016 CCR, along with a copy of the
10 2016 CCR.
- 11 6. In the future, Lucky 18 on Rosamond, LLC shall distribute a Consumer Confidence
12 Report to each customer by July 1 of each year, reporting water quality information
13 for the prior year. A copy of each year's consumer confidence report shall be
14 provided to the State Board within 30 days of issuance of the Consumer Confidence
15 Report and no later than October 1 each year, with proof of distribution, using the
16 CCR Certification form.

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18 All submittals required by this citation shall be addressed to:

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20 Jaswinder S. Dhaliwal, P.E.,
21 Senior Sanitary Engineer
22 State Water Resources Control Board
23 Division of Drinking Water
24 4925 Commerce Drive, Suite 120
25 Bakersfield, CA 93309

26 **FURTHER ENFORCEMENT ACTIONS**

27 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the State Board
to: issue additional citations with assessment of penalties if the public water system

1 continues to fail to correct a violation identified in a citation; take action to suspend or
2 revoke a permit that has been issued to a public water system if the system has violated
3 applicable law or regulations or has failed to comply with orders of the State Board; and
4 petition the superior court to take various enforcement measures against a public water
5 system that has failed to comply with orders of the State Board. The State Board does not
6 waive any further enforcement action by issuance of this citation.

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8 **PARTIES BOUND**

9 This citation shall apply to and be binding upon Lucky 18 on Rosamond, LLC, its officers,
10 directors, agents, employees, contractors, successors, and assignees.

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12 **SEVERABILITY**

13 The directives of this citation are severable, and Lucky 18 on Rosamond, LLC shall comply
14 with each and every provision thereof, notwithstanding the effectiveness of any other
15 provision.

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17 **CIVIL PENALTY**

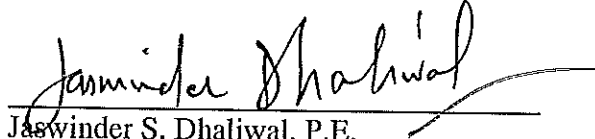
18 Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil
19 penalty for the failure to comply with the requirements of the Safe Drinking Water Act.

20 Failure to comply with any Directive of this Citation may result in the State Board imposing
21 an administrative penalty in an amount not to exceed \$1,000 (One thousand dollars) for
22 each day that the violation continues beyond the date set for correction in this Citation.
23 Lucky 18 on Rosamond, LLC has been billed at the current hourly rate of \$161.00 since this
24 is an enforcement action for noncompliance with the regulations.
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The State Board does not waive any further enforcement action by issuance of this citation,
and expressly reserves the right to issue a citation with penalties for the violations on which
the Directives of this citation are based.

October 21, 2016

Date


Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH

cc: Kern County Dept. of Public Health, Environmental Health Services Division
Daniel W. Sackett, SkOO'kum H2O Monitoring, Inc. (via email)